To: CN=Christopher Hunter/OU=DC/O=USEPA/C=US@EPA[]

Cc: [] Bcc: []

From: CN=Phil North/OU=R10/O=USEPA/C=US

**Sent:** Tue 5/25/2010 11:00:36 PM **Subject:** Fw: Tribes request 404(c) process

Six Tribes' Joint Letter to EPA requesting 404(c) process.pdf

Enclosure 1 Counsel Request meet w Corps, EPA re tribes as cooperating agencies.pdf

Enclosure 2 Tribes & AIFMA's Joint Letter to Rep. Edgmon w Briefing Paper.pdf

Here is the tribal request for a 404(c). Lisa Jackson is one of the addressees.

Phillip North
Environmental Protection Agency
Kenai River Center
514 Funny River Road
Soldotna, Alaska 99669
(907) 714-2483
fax 260-5992
north.phil@epa.gov

"To protect your rivers, protect your mountains."

----- Forwarded by Phil North/R10/USEPA/US on 05/25/2010 02:59 PM -----

From: Cara Steiner-Riley/R10/USEPA/US

To: Michael Szerlog/R10/USEPA/US@EPA, Phil North/R10/USEPA/US@EPA, Patricia

McGrath/R10/USEPA/US@EPA, Mary Thiesing/R10/USEPA/US@EPA

Cc: David Allnutt/R10/USEPA/US@EPA

Date: 05/25/2010 09:34 AM

Subject: Fw: Tribes request 404(c) process

In case you have not seen these....

Cara Steiner-Riley
Assistant Regional Counsel
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-1142
steiner-riley.cara@epa.gov

----- Forwarded by Cara Steiner-Riley/R10/USEPA/US on 05/25/2010 10:28 AM -----

From: "jeff parker" <gparker@alaska.net>

To: Cara Steiner-Riley/R10/USEPA/US@EPA

Date: 05/24/2010 06:59 PM

Subject: Tribes request 404(c) process

Dear Ms. Cara Steiner-Riley,

I received your phone message, returning mine. Thank you.

On Friday, May 21, I mailed to Mr. McLerran and Ms. Jackson of EPA the attached letter is from six

federally-recognized tribes in the Kvichak and Nushagak river drainages of SW Alaska. Therein, the Tribes request that EPA commence a public process under Section 404(c) of the Clean Water Act, to identify waters and wetlands in which discharge of dredge and fill material (including mining wastes) associated with metallic sulfide mining in those drainages, including from a potential Pebble mine, would be prohibited or restricted.

Due to overlapping issues, the letter on 404(c) also encloses copies of two other letters to which the letter on 404(c) refers for certain purposes. One is on my letterhead, from me and my co-counsel, and concerns our tribal clients' potential status as cooperating agencies on any EIS on Pebble mine. The other, from the six tribes and a commercial fishing cooperative (AIFMA Cooperative d/b/a the Alaska Independent Fishermen's Marketing Association) to a state Representative Bryce Edgmon who represents much of the area, urges him to facilitate discussion of whether most of the state land in the Kvichak and Nashagak drainages, including at the Pebble mining claims, should be legislatively designated as a state fish and game refuge or state critical habitat area. The letter to Rep. Edgmon attaches a briefing paper to which the 404(c) letter refers for certain purposes.

However, I did not mail last Friday the letter on cooperating agency status, when I enclosed it with the 404(c) letter. I will do so shortly, but I would like to speak to you first. So, let's try to talk in the morning.

Thanks.

Jeff Parker 907-222-6859